

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

and

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

*Plaintiffs,*

v.

CAPITAL REGION WATER

and

THE CITY OF HARRISBURG, PA,

*Defendants.*

Civil Action No. 1:15-cv-00291-CCC

(Judge Christopher C. Conner)

**CITY OF HARRISBURG’S CONCURRENCE TO GOVERNMENTAL  
RESPONSES IN OPPOSITION TO MOTION TO INTERVENE**

**INTRODUCTION**

Defendant City of Harrisburg (“City”) in response to a Motion to Intervene (ECF No. 29) by Proposed-Plaintiff Lower Susquehanna Riverkeeper Association responds by way of concurring in the collective Responses in Opposition filed by the other governmental parties to this administratively closed proceeding.

The Partial Consent Decree (“PCD”) was entered after a numerous judicial and administrative actions unfolded related to the City. The record demonstrates that a transfer of certain assets, rights and obligations subject to the PCD was made by the City to The Harrisburg Authority (“THA”), now Capital Region Water (“CRW”). The transfer was undertaken with the distinct public purpose of bringing ownership and operation of the systems at issue under a sole entity (CRW) to better address important environmental obligations. The transfer of systems related to this matter were but one (1) of three (3) critical asset transfers facilitated by the Commonwealth of Pennsylvania in order to resolve the first declared state of fiscal emergency for a municipality in State history.<sup>1</sup>

### **ARGUMENT IN THE NATURE OF CONCURRENCE**

For judicial economy in this administratively closed multi-party proceeding, the City offers its concurrence to the Responses in Opposition to the pending Motion to Intervene filed by the other governmental parties to these proceedings. The filings concisely set forth the applicable law and related history of this matter, demonstrating the motion warrants dismissal.

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<sup>1</sup> The proceedings are set forth in an extensive docket in *Davin v. City of Harrisburg*, No. 569 MD 2011, before the Commonwealth Court of Pennsylvania.

## CONCLUSION

The motion to intervene of the Lower Susquehanna Riverkeeper Association should be denied.

Respectfully Submitted,

FOR THE CITY OF HARRISBURG

/s/ Tiffanie E. Baldock

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Dated: May 27, 2021

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing brief complies with the word-count limit of Local Rule 7.8 (b) because, excluding the exempted parts of the document (i.e., caption, tables, signature block, and footnotes), it contains 460 words or less.

/s/ Tiffanie E. Baldock  
Tiffanie E. Baldock

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2021, I electronically filed the foregoing Entry of Appearance with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Tiffanie E. Baldock  
Tiffanie E. Baldock